

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lance Gerald Milliman,

Case No. 24-cv-0664 (KMM/DJF)

Plaintiff,

v.

Jodi Harpstead; County of Anoka; Brad
Johnson; Alicia Bohach; Robert Yount;
Cheyenne Downing; Brittany Plude; Betty
Lindemoen-Neff,

**ORDER ON APPLICATION
TO PROCEED *IN FORMA PAUPERIS*
ON APPEAL**

Defendants.

Plaintiff Lance Gerald Milliman filed this action on March 1, 2024 pursuant to 42 U.S.C. § 1983, alleging that Defendants violated his federal constitutional rights by applying stimulus payments from the federal government during the early months of the COVID-19 pandemic to the substantial arrearage in child support payments Milliman owed to his ex-wife. Because Mr. Milliman applied for *in forma pauperis* (“IFP”) status in this Court, the undersigned conducted the preservice review required by 28 U.S.C. § 1915(e)(2)(B)(ii) and dismissed the complaint without prejudice for failure to state a claim. Mr. Milliman filed a notice of appeal and an application to proceed IFP before the Eighth Circuit Court of Appeals. His appellate IFP application is now before the Court.

A party who wishes to appeal IFP may file a motion in district court showing the party’s inability to pay the \$600 appellate filing fee. Fed. R. App. P. (a)(1); 28 U.S.C. § 1915(a)(1). “If the district court grants the motion, the party may proceed on appeal without prepaying or giving security for fees and costs, unless a statute provides otherwise.

If the district court denies the motion it must state its reasons in writing.” Fed. R. App. P. 24(a)(2).

Having reviewed Mr. Milliman’s appellate IFP application, the Court finds that he is financially eligible for IFP status. Mr. Milliman’s notice of appeal asserts that the Court’s dismissal Order was incorrectly decided, and while the submission does not cause the Court to question that it made the correct decision, the Court finds that the appeal is taken in good faith. 28 U.S.C. § 1915(a)(3). Accordingly, IT IS HEREBY ORDERED THAT Plaintiff’s application to proceed *in forma pauperis* on appeal [ECF No. 7] is GRANTED.

Date: May 1, 2024

s/Katherine Menendez

Katherine Menendez
United States District Judge